

GUERET
Serial No. 09/461,375

Support for the Markush group recited in claims 25 and 26 may be found at page 4, lines 13-16 of the specification. Support for the range recited in the amended claim 19 may be found, for example, at page 4, line 27 wherein the active substance is optionally included (i.e., 0%) and included to a maximum amount of 15%. No new matter has been added.

Claims 10-14 and 16 have been withdrawn from consideration. Rejoinder and allowance of these method claims is requested once allowable product claims are identified. The applicant notes the withdrawn method claims are directly or indirectly dependent on the pending product claims. The Examiner is requested to allow the applicants an opportunity to make any further required amendments however, at an appropriate time, to allow rejoinder and allowance of the withdrawn process claims.

The Section 112, first paragraph rejection of claims 2-9, 15 and 17-19 is traversed. Reconsideration and withdrawal of the rejection are requested as the applicants believe that for each type of copolymer and filler or other recited component, one of ordinary skill in the art will appreciate or be able to determine, by mere routine experimentation, a range of amounts for which the adhesiveness is within the recited range. Withdrawal of the Section 112, first paragraph, rejection is requested.

The Section 112, second paragraph, rejection of claims 2-9, 15 and 17-19 is obviated by the above amendments. Specifically, the applicants believe the recitation of consisting essentially of excludes the presence of water. Moreover, the objections relating to antecedent basis have been addressed above. Reconsideration and withdrawal of the Section 112, second paragraph, rejection of claims 2-9, 15 and 17-19, is requested.

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The Section 103 rejection of claims 2-9, 15 and 17-19 over Higo (WO 96/16642 and/or U.S. Patent No. 5,866,157) is obviated by the above amendments. Specifically, Higo teaches a patch formulation containing a tackifying resin and a plasticizer. These components are excluded however from the presently claimed invention by the recitation of "consisting essentially of". That is, a composition without tackifying resin and without plasticizer, such as is presently claimed, is not taught or suggested by Higo.

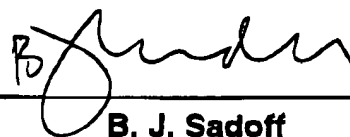
Withdrawal of the Section 103 rejection is requested.

In view of the above, the claims are submitted to be in condition for allowance and rejoinder of the non-elected claims and allowance of all the pending claims are requested.

Respectfully submitted,

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MARKED-UP CLAIMS

2. (Twice Amended) A solution as claimed in claim 18 wherein the copolymer consists of units derived from monomers selected from C₁-C₂₀-alkyl acrylates, vinyl acetate and acrylic acid.

18. (Amended) A colorless solution for cosmetic use, [based on a hydrophobic polymer in] consisting essentially of:

(1) an organic solvent medium selected from the group consisting of ethyl acetate, ethyl alcohol, isopropyl alcohol and mixtures thereof, [which contains:]

[(1)2] at least one self-adhesive hydrophobic polymer which is of linear structure, non-ionic and non-water swellable and is selected from copolymers of the acrylic/vinyl type,

[(2)3] at least one compound selected from the group consisting of a filler and an essential oil wherein the filler contains no colorant and no colored pigment, [and]

[(3)4] at least one keratolytic agent, and

(5) optionally a cosmetically active substance

[said polymer having an adhesiveness of between 150 and 800 g/cm² after evaporation of said organic solvent medium].

19. (Amended) A solution as claimed in claim 18 which contains:

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(1) 20 to 60% by weight of the hydrophobic copolymer which consists of units derived from monomers selected from C₁-C₂₀-alkyl acrylates, vinyl acetate and acrylic acid,

(2) 0.1 to 20% by weight of at least one compound selected from the group consisting of a filler and an essential oil, and

(3) 0.1 to 15% by weight of a keratolytic agent, and

(4) 0-15% of a cosmetically active substance.

said copolymer having an adhesiveness of between 150 and 800 g/cm² after evaporation of the said organic solvent.

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